



EV619618613US

VIB-08 RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Neirynck et al.
Application No. : 09/498,046
Confirmation No. : 8244
Filed : February 4, 2000
For : IMMUNOPROTECTIVE INFLUENZA ANTIGEN AND
ITS USE IN VACCINATION
Group Art Unit : 1648
Examiner : Stacey B. Chen

New York, New York
January 23, 2006

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL

Sir:

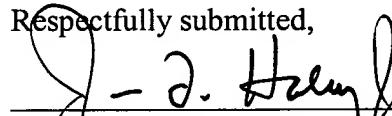
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner. In that July 21, 2005 Office Action, the rejection of claims 26-32, 34, 36-41, 46 and 52-57 was made final.

Applicants have concurrently filed an Amendment and Response to the July 21, 2005 Office Action. They have also petitioned for a three (3) month extension of time for responding to that Office Action and filing this Notice of Appeal and have paid the required fee.

On July 15, 2004, applicants filed a first Notice of Appeal in this application and paid the required fee. On October 15, 2004, applicants filed a Request for Continuing Examining in this application together with a response to then outstanding and appealed rejections. Accordingly, applicants do not believe that any further appeal fee is required.

If an additional appeal fee is required, the Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075, Order No. 001031-0001. A duplicate copy of this Notice of Appeal is transmitted herewith.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)

Z. Ying Li (Reg. No. 42,800)

Attorneys for Applicants

R. Minako Pazdera (Reg. No. 46,984)

Agent for Applicants

c/o FISH & NEAVE IP GROUP

ROPES & GRAY LLP

Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020

Tel.: (212) 596-9000

Fax.: (212) 596-9090